

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

11-012-0

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH AS REFERENCED IN CHAPTER 50, OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO PROVIDE FOR THE RECLASSIFICATION FROM MU-N, MIXED USE-NEIGHBORHOOD, TO FORM DISTRICTS, MID-RISE COMMUNITY SHOPPING (F-3) AND MID-RISE COMMUNITY MIX (F-4), WEST DULUTH/SPIRIT VALLEY BUSINESS DISTRICT ALONG GRAND AVENUE FROM CODY STREET TO NORTH 59TH AVENUE WEST, CENTRAL AVENUE FROM CODY STREET TO ROOSEVELT AND BETWEEN ROOSEVELT STREET AND GRAND AVENUE (CITY OF DULUTH).

CITY PROPOSAL:

The city of Duluth does ordain:

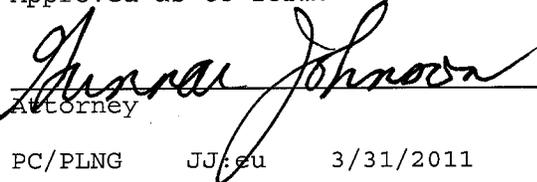
Section 1. That the subject property, located in West Duluth's Spirit Valley Business District, described above, and as more particularly described in Exhibit A, be reclassified from its current designation as Mixed Use-Neighborhood (MU-N) to Form Districts, Mid-Rise Community Shopping (F-3) and Mid-Rise Community Mix (F-4), and that the official zoning map of the city of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, is amended to read as follows:

(MAP)

(Ref. File No. 11-020)

Section 2. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

Approved as to form:


Attorney

PC/PLNG JJ:gu 3/31/2011

STATEMENT OF PURPOSE: This zoning map amendment provides a zoning change from Mixed Use-Neighborhood (MU-N) to Form Districts, Mid-Rise Community Shopping (F-3) and Mid-Rise Community Mix (F-4), the area of West Duluth's Spirit Valley Business District.

On March 08, 2011, the Duluth city planning commission held a public hearing on the proposal and voted 8-0 to recommend that the city council approve the rezoning request for following reasons:

- 1) The rezoning request is consistent with the comprehensive land use plan;
- 2) A form-based code is a regulatory tool that places primary emphasis on the physical form of the built environment with the end goal of producing a specific type of "place";
- 3) Form-based standards described in comprehensive land use plan for the city were targeted for specific districts and corridors where higher intensities, a diversity of uses, or a more pedestrian oriented environment are desired, including commercial corridors such as the West Duluth-Spirit Valley Business District; and
- 4) This rezoning received the endorsement of the Spirit Valley Citizens and Neighborhood Development Association.

Date of application: January 19, 2011

Action deadline: Not Applicable

Petitioner:

City of Duluth

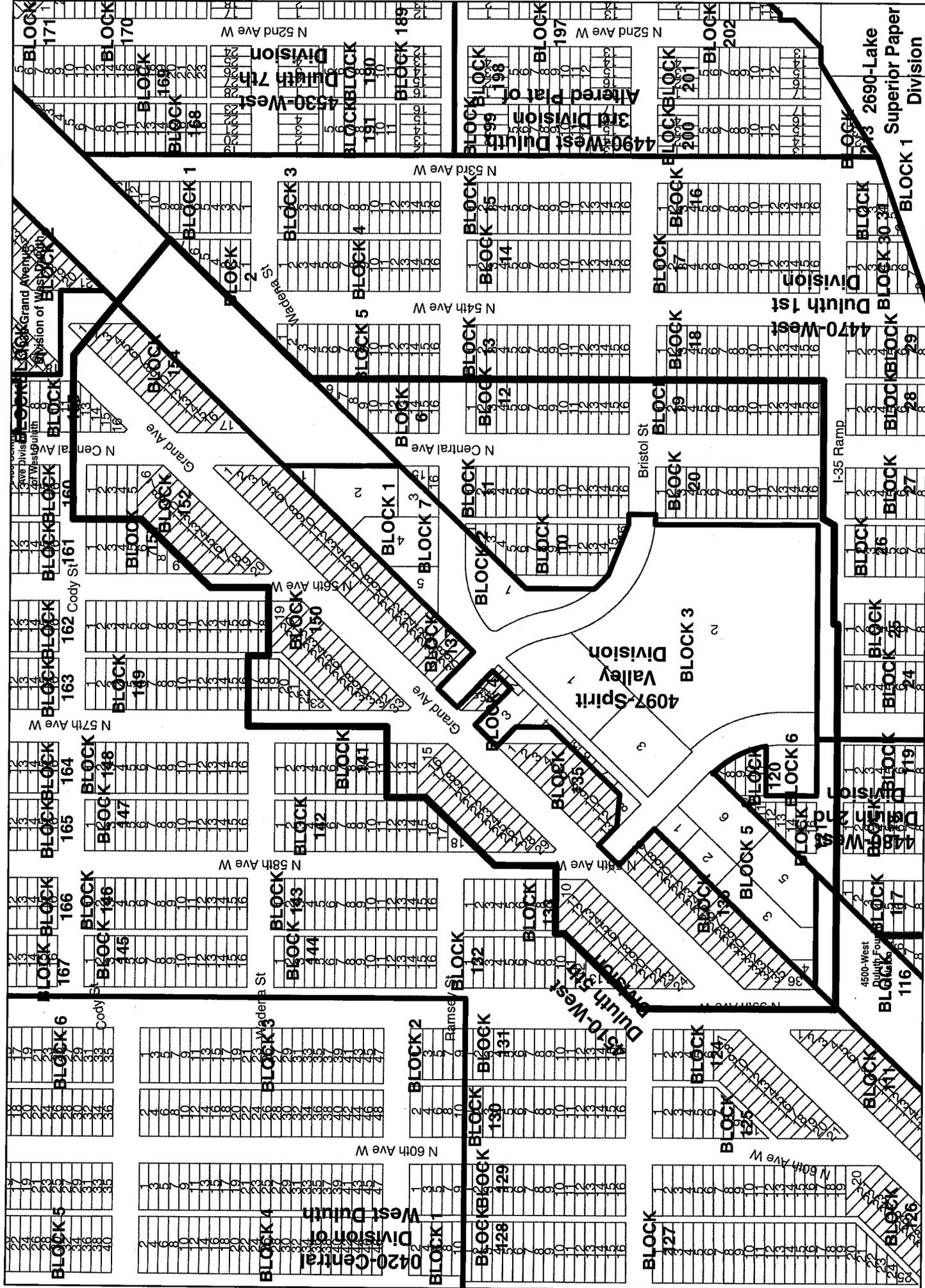
Planning Division

Room 208

City Hall

Duluth, Minnesota 55802

FN 11-020



CITY OF DULUTH
ZONING RECLASSIFICATION

Rezoning Poly

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EXHIBIT A

Parcels of West Duluth/Spirit Valley to be re-zoned

That part of West Duluth First Division and that part of West Duluth Fifth Division, according to the recorded plats thereof at St. Louis County Recorder's Office, Minnesota, described as follows:

Beginning at a point of intersection of the center line of 59th Avenue West, as dedicated in said West Duluth Fifth Division, and the north right of way line of Interstate 35, Highway Plan Number S.P. 6982;

Thence north along said centerline of 59th Avenue West to the alley center line extended, between Blocks 132 and 133, of said West Duluth Fifth Division;

Thence northeast and north along said alley center line and its extension to the westerly extension of the south line of Lot 9 of said Block 133;

Thence east along said south line of Lot 9 and its extension, across 58th Avenue West, West Duluth Fifth Division, to the center line of 58th Avenue West;

Thence north along said center line of 58th Avenue West to the alley center line extended, between Blocks 141 and 142, of said West Duluth Fifth Division;

Thence northeast and north along said alley center line to the westerly extension of the south line of Lot 11 of said Block 141;

Thence east along said south line of Lot 11 and its extension, across 57th Avenue West, West Duluth Fifth Division, to the center line of 57th Avenue West;

Thence north along said center line of way of 57th Avenue West to the westerly extension of the north line of Lot 17, Block 149, West Duluth Fifth Division;

Thence east along the said north line of Lot 17 and its extension to the center line of the alley between Blocks 149 and 150, West Duluth Fifth Division;

Thence south along said centerline of said alley to the westerly extension of the south line of Lot 18 of said Block 150;

Thence east along the south line of said Lot 18 and its extension to the center line of 56th Avenue West, West Duluth Fifth Division;

Thence north along said center line of 56th Avenue West to the alley center line extended, between Blocks 151 and 152, of said West Duluth Fifth Division;

Thence northeast and north along said alley center line to the center line of Cody Street, West Duluth Fifth Division;

Thence east along said center line of Cody Street and its extension east across Block 155, West Duluth Fifth Division, to the center line of Grand Avenue, West Duluth Fifth Division;

Thence southeasterly across Block 154, West Duluth Fifth Division, and across vacated Railroad right of way to the northeast corner of Block 2, West Duluth First Division;

Thence southwesterly along the northwest line of said Block 2 and the northwest line of Block 5, West Duluth First Division and their extensions to the alley center line between Block 5 and Block 6, West Duluth First Division;

Thence south along the centerline of alleys and their extensions between Block 5 and Block 6, between Block 12 and Block 13 and between Block 18 and Block 19 to said north right of way of Interstate 35;

Thence west along said north right of way of Interstate 35 to the point of beginning.



CITY OF DULUTH

Planning Division

411 W 1st St, Rm 208 * Duluth, Minnesota 55802-1197

Phone: 218/730.5580 Fax: 218/723-3559

STAFF REPORT

File Number	FN 11-020	Contact	John Judd, jjudd@duluthmn.gov	
Application Type	Rezoning West Duluth/Spirit Valley	Planning Commission Date	March 8, 2011	
Deadline for Action	Application Date	January 19, 2011	60 Days	N/A
	Date Extension Letter Mailed	N/A	120 Days	N/A
Location of Subject	West Duluth / Spirit Valley business district along Grand Ave. and N. Central Ave.			
Applicant	City of Duluth	Contact	John Judd, jjudd@duluthmn.gov	
Agent		Contact		
Legal Description	See attached (Exhibit A)			
Neighbor Letter Date	January 26, 2011	Number of Neighbor Letters Sent	253	

Proposal

The Duluth City Planning Division proposes to rezone portion of the West Duluth's Spirit Valley business district, described above, from its current designation as Mixed Use-Neighborhood (MU-N) to Form Districts, Mid-Rise Community Shopping (F-3) & Mid-Rise Community Mix (F-4). Form based coding was recommended for this area in the City's Comprehensive Land Use Plan. Form districts were developed in the Unified Development Chapter (UDC) for the traditional shopping area of the City where walkability is strongly desired.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	Mixed Use-Neighborhood	Central Bussines Secundarv	Central Bussines Secundarv
North	Traditional Neighborhood	Residential/Commercial	Traditional Neighborhood/Recreation
South	Urban Residential	Residential	Residential
East	Urban Residential	Residential	Residential
West	Traditional Neighborhood	Residential	Residential

Summary of Code Requirements (reference section with a brief description):

Section 50-37.3 UDC Text or Zoning Map Amendments

A. Application 1. The planning commission may, upon its own motion, propose and hear amendments to the text of the UDC or the boundaries of the official zoning map.

B. Procedure 1. Planning Commission Review - The planning commission shall review the application, conduct a public hearing pursuant to Section 50-37.1, with public notice as required by Section 50-37.1.H, and make a written recommendation to council based on the criteria in subsection C below. 3. When Written Consent or Supermajority Required The following provisions shall apply after the initial adoption of the zoning map reflecting the zone district consolidations reflected in this UDC. In addition, the affirmative vote of 2/3 of the council shall be required if: (ii) The planning commission has completed a study of an area containing at least 40 acres of land surrounding the applicant's property and the proposed rezoning is a result of that study, and a finding is made that it would be impractical to obtain the required written consent.

C. Criteria - The planning commission shall review the application, and council shall approve the application, or approve it with modifications, if it determines that the application: 1) Is consistent with the Comprehensive Land Use Plan; 2) Is reasonable related to the overall needs of the community, to existing land use, or to a plan for future land use; 3) Is required by public necessity, convenience, or general welfare, or good zoning practice; 4) Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible.

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Governing Principles:

Principle #3 Support traditional economic base, Principal #5 Strengthen neighborhoods, Principal #6 Reinforce the place-specific, Principal #8 Encourage mix of activities, uses and densities, Principal #10 Take sustainable actions

Urban Design (UD) Policies

UD#1. To ensure that different land uses "mix well," compatible building scale and sensitivity to neighborhood context is essential. The Comprehensive Land Use Plan calls for the City to develop form-based standards and design guidelines for some of the higher density, mixed-use areas of the City that:

- A. Allow a variety of land uses to coexist within buildings when the building is of appropriate size and character.
- B. Recognize and reflect unique or traditional neighborhood building patterns and street and block layouts.
- C. Provide adequate transitions to lower-density neighborhoods and districts.
- D. Keep sufficient separation between clearly incompatible uses, such as between intensive industrial or auto-oriented commercial and residential neighborhoods.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

- 1) The Minnesota Planning Act provides that zoning (an "official control") should implement the general objectives of the Comprehensive Plan, and appellate courts have issued decisions that zoning must comply with the Comprehensive Plan or be considered arbitrary and capricious.
- 2) A form-based code is a regulatory tool that places primary emphasis on the physical form of the built environment with the end goal of producing a specific type of "place."
- 3) In the Comprehensive Land Use Plan, Form-based standards for the City were targeted for specific districts and corridors where higher intensities, a diversity of uses, or a more pedestrian-oriented environment are desired. These include:
 - A. Central Business Primary and Secondary areas.
 - B. Urban Residential areas in and around Duluth's downtown and East Hillside, in keeping with the Duluth East Downtown, Hillside and Waterfront recommendations.
 - C. Commercial corridors such as London Road between 10th and 21st Avenues or the West Duluth-Spirit Valley business district.
- 4) During the development of the UDC, the City and its project consultants surveyed, measured and analyzed the areas identified in the Comprehensive Plan for consideration as form-based districts. A visual preference survey was conducted in each of the neighborhoods and additional research was performed to provide the guidelines for the form-based building types and regulations for each individual district.
- 5) Permitted uses in the F3 and /or F4 form based zone include: Dwelling, one-family & two-family (U), Dwelling, multi-family (U) F-3, Dwelling live-work, Assisted living facility (U) F-3, Rooming house (U) F-3, Community/ Cultural Facilities, Educational Facilities (U) F-3, Medical or dental clinic, Nursing home F-4, Vet/animal hospital F-4, Convention/event center F-4, Restaurant F-4, Theater, Hotel/motel F-4, Bank, Office, Day Care Facility, Personal service and repair, Grocery store, Retail Store, Light vehicle repair/service F-4, Filling station F-4, Parking lot (by special use) "U" denotes a permitted use in the upper stories of the building.
- 6) Comments from other neighbors, public agencies and City departments: None from public agencies/City departments. Note public meetings were held regarding this proposal on February 10th and 23rd (see attached for public comments).

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, staff recommends that the Planning Commission recommend approval to the City Council of the rezoning from Mixed Use-Neighborhood (MU-N) to Form Districts, Mid-Rise Community Shopping (F-3) & Mid-Rise Community Mix (F-4) that portion of West Duluth's / Spirit Valley business district as described in the attached Exhibit A (Parcels of West Duluth/Spirit Valley to be rezoned).

Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



**West Duluth
Spirit Valley
Rezoning**

Legend

Form District



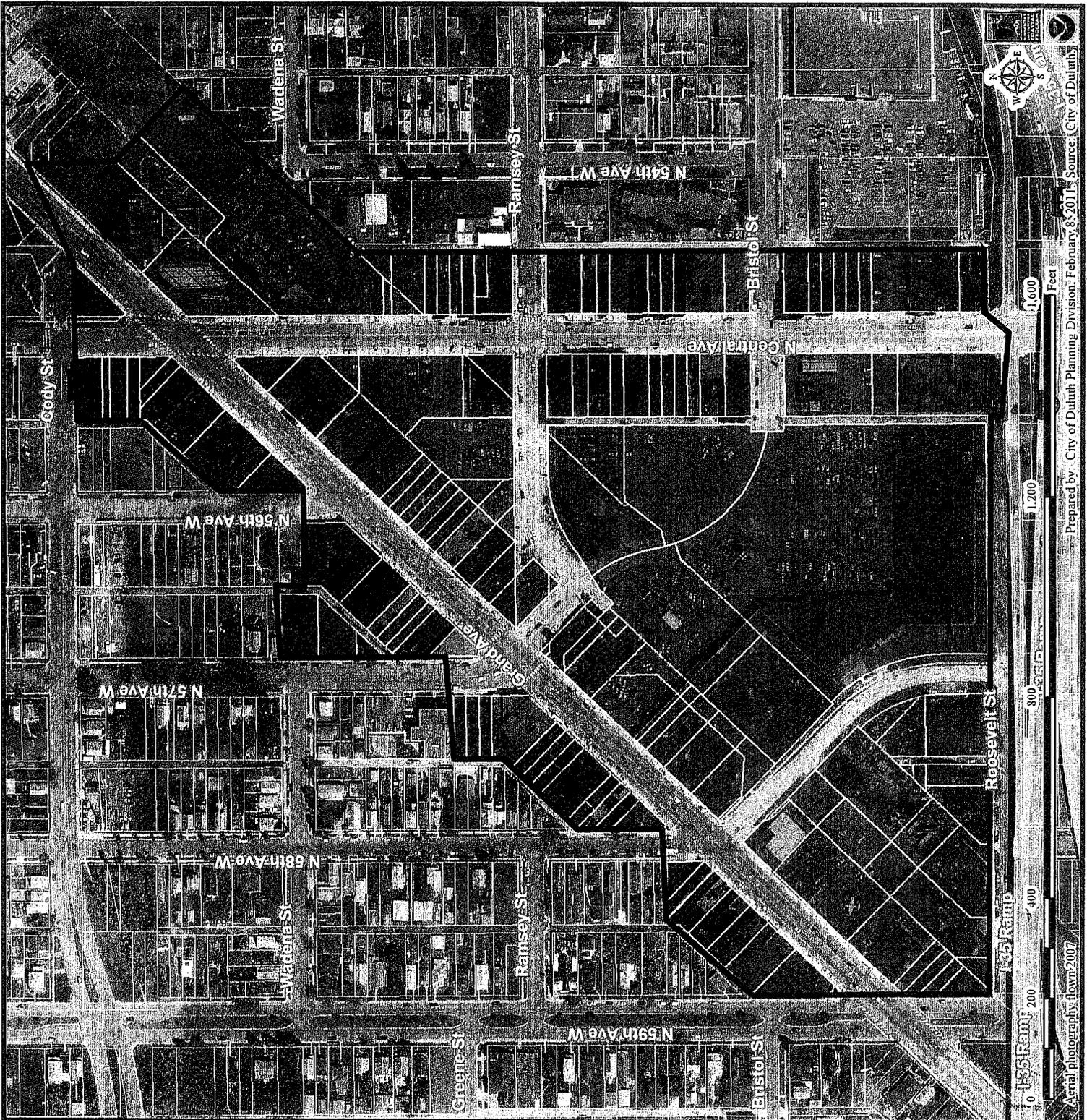
F-3



F-4



Spirit Valley Rezoning Area



III A5

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